

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA

Plaintiff,

-v-

CALILIN GRANT,

Defendant.

**Case No. 3:09-cr-045
(Civil Case No. 3:13-cv-298)**

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

ENTRY AND ORDER OVERRULING GRANT'S OBJECTIONS (Doc. #206) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #205) IN ITS ENTIRETY; DENYING GRANT'S AMENDED § 2255 MOTION (Doc. #204) WITH PREJUDICE; DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY AND CERTIFYING THAT AN APPEAL WOULD BE OBJECTIVELY FRIVOLOUS

This matter comes before the Court pursuant to Defendant Calilin Grant's ("Grant's") Objections (doc. #206) to Magistrate Judge Michael R. Merz's Report and Recommendations (doc. #205) regarding Grant's Amended Motion To Vacate (doc. #204). Grant's Amended Motion To Vacate was filed pro se.

Magistrate Judge Merz's Report and Recommendations recommends that Grant's Amended § 2255 Motion To Vacate (doc. #204) be denied with prejudice and that Grant be denied a certificate of appealability. Magistrate Judge Merz also recommends that the Court certify to the Sixth Circuit that any appeal would be objectively frivolous.

The time has run and the Government has not responded to Grant's Objections. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Grant's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Grant's Amended § 2255 Motion To Vacate is denied with prejudice. Further, because reasonable jurists would not disagree with this conclusion and an appeal would not be taken in objective good faith, Grant is denied any requested certificate of appealability. Finally, an appeal of this decision would be objectively frivolous.

DONE and **ORDERED** in Dayton, Ohio, this Third Day of February, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Calilin Grant at his last address of record